IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, ex rel.)
W. A. DREW EDMONDSON, in his capacity as)
ATTORNEY GENERAL OF THE STATE OF)
OKLAHOMA and OKLAHOMA SECRETARY	j
OF THE ENVIRONMENT C. MILES TOLBERT,)
in his capacity as the TRUSTEE FOR NATURAL)
RESOURCES FOR THE STATE OF OKLAHOMA,)
)
Plaintiff,)
vs.)) 05-CV-0329 TDK-SAJ
TYSON FOODS, INC., TYSON POULTRY, INC.,)
TYSON CHICKEN, INC., COBB-VANTRESS, INC.,	,
AVIAGEN, INC., CAL-MAINE FOODS, INC.,	`
CAL-MAINE FARMS, INC., CARGILL, INC.,	,
CARGILL TURKEY PRODUCTION, LLC,	í
GEORGE'S, INC., GEORGE'S FARMS, INC.,	í
PETERSON FARMS, INC., SIMMONS FOODS, INC.,	í
and WILLOW BROOK FOODS, INC.,	í
, ,	j
Defendants.)

<u>DEFENDANT PETERSON FARMS, INC.'s</u> <u>FIRST AMENDED INITIAL DISCLOSURES</u>

Defendant, Peterson Farms, Inc. ("Peterson"), hereby serves its First Amended Initial Disclosures as required by Fed. R. Civ. P. 26(a)(1).

1. The following individuals and yet to be identified representatives of the following organizations may possess discoverable information in support of Peterson's defenses and/or third-party claims:

	Name	Contac	t Inform	ation	Information
	Peterson Farms, Inc.				
1.	Janet Wilkerson Vice President of Human Resources Peterson Farms, Inc.	Contact Counsel.	through	Peterson	Facts and circumstances associated with Peterson's operations and relationship with independent contract growers.

EXHIBIT
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	Name	Contact Information	Information
14.	Steven A. Thompson Executive Director Oklahoma Department of Environmental Quality	P.O. Box 1677 Oklahoma City, OK 73101- 1677 405-702-8100	Facts and circumstances regarding water quality regulations, watershed management and/or other relevant information relating to the subject matter of this lawsuit.
15.	David Gann Water Quality Division (Integrated Water Quality Assessment) Oklahoma Department of Environmental Quality	P.O. Box 1677 Oklahoma City, OK 73101- 1677 405-702-8100	Facts and circumstances regarding water quality regulations, watershed management and/or other relevant information relating to the subject matter of this lawsuit.
16.	Bob Bednar Water Quality Division (TMDLs & Water Quality Monitoring) Oklahoma Department of Environmental Quality	P.O. Box 1677 Oklahoma City, OK 73101- 1677 405-702-8100	Facts and circumstances regarding water quality regulations, watershed management and/or other relevant information relating to the subject matter of this lawsuit.
17.	Nancy Bain Water Quality Division (Toxicity & Biomonitoring) Oklahoma Department of Environmental Quality	P.O. Box 1677 Oklahoma City, OK 73101- 1677 405-702-8100	Facts and circumstances regarding water quality regulations, watershed management and/or other relevant information relating to the subject matter of this lawsuit.

	Name	Contact Information	Information
23.	Derek Smithee Water Quality Division Chief Oklahoma Water Resources Board	3800 North Classen Blvd. Oklahoma City, OK 73118 405-530-8800	Facts and circumstances regarding water quality regulations, watershed management and/or other relevant information relating to the subject matter of this lawsuit.
24.	Other representatives of Oklahoma Water Resources Board to be determined		
25.	Mike Thralls Executive Director Oklahoma Conservation Commission	2800 North Lincoln Blvd. Suite 160 Oklahoma City, OK 73105- 4298 405-521-2384	Facts and circumstances regarding water quality regulations, watershed management and/or other relevant information relating to the subject matter of this lawsuit.
26.	Shannon Haraughty Oklahoma Conservation Commission	2800 North Lincoln Blvd. Suite 160 Oklahoma City, OK 73105- 4298 405-521-2384	Facts and circumstances regarding water quality regulations, watershed management and/or other relevant information relating to the subject matter of this lawsuit.
27.	Kevin Wagner Oklahoma Conservation Commission	2800 North Lincoln Blvd. Suite 160 Oklahoma City, OK 73105- 4298 405-521-2384	Facts and circumstances regarding water quality regulations, watershed management and/or other relevant information relating to the subject matter of this lawsuit.
28.	Representatives of the Nonpoint Source Working Group Oklahoma Conservation Commission	2800 North Lincoln Blvd. Suite 160 Oklahoma City, OK 73105- 4298 405-521-2384	Facts and circumstances regarding water quality regulations, watershed management and/or other relevant information relating to the subject matter of this lawsuit.

	Name	Contact Information	Information
36.	George Nigh Interim Executive Director Oklahoma Tourism and Recreation Department	120 North Robinson 6 th Floor Oklahoma City, OK 73102 405-230-8301	Facts and circumstances regarding water quality regulations, watershed management and/or other relevant information relating to the subject matter of this lawsuit.
37.	Other representatives of Oklahoma Tourism and Recreation Department to be determined		·
		Oklahoma State University	
38.	Daniel E. Storm Professor Oklahoma State University, College of Agricultural Sciences and Natural Resources	Oklahoma State University Stillwater, OK 74078	Facts and circumstances related to the Illinois River Watershed, TMDL development, watershed management generally.
39.	Michael D. Smolen Professor Oklahoma State University, College of Agricultural Sciences and Natural Resources	Oklahoma State University Stillwater, OK 74078	Facts and circumstances related to the Illinois River Watershed, TMDL development, watershed management generally.
40.	Robert Westermann Chairman Oklahoma State University, College of Agricultural Sciences and Natural Resources	Oklahoma State University Stillwater, OK 74078	Facts and circumstances related to the Illinois River Watershed, agronomic practices and recommendations, nutrient management.

1.	of Oklahoma State University, College of Agricultural Sciences and Natural Resources to be determined	Stillwater, OK 74078	Watershed, watershed management generally and agricultural practices watersheds.
	Fe	deral Administrative Agencie	S
42.	Richard Greene Regional Administrator United States Environmental Protection Agency, Region 6	1445 Ross Avenue, Suite 1200 Dallas, TX 75202 214-665-2100	Facts and circumstances regarding water quality regulations, watershed management and/or other relevant information relating to the subject matter of this lawsuit.
43.	Other representatives of United States Environmental Protection Agency, Region 6 to be determined		Facts and circumstances
44.	Eric Daniels District Conservationist Natural Resource Conservation Service	319 South 6 th Suite C Jay, OK 74346 918-253-4513	regarding litter management, water quality regulations, watershed management and/or other relevant information relating to the subject matter of this lawsuit.
45.	Marty Hern District Conservationist Natural Resource Conservation Service	1009 South Muskogee Avenu Tahlequah, OK 74464-4733 918-456-1924	regarding litter management, water quality regulations, watershed management and/or other relevant information relating to the subject matter of this lawsuit.

	Name	Contact Information	Information
77.	Byron Humphrey Eucha-Spavinaw Watershed Management Team (former)	250 South Main Street P.O. Box 248 Decatur, AR 72722 479-752-5701	Facts and circumstances associated with litter management.
78.	Bernard Krumpelman Eucha-Spavinaw Watershed Management Team (former)	250 South Main Street P.O. Box 248 Decatur, AR 72722 479-752-5701	Facts and circumstances associated with litter management.
79.	Marie Kathleen West Former Assistant Attorney General	Contact through Stanley Ward, Attorney of Record	Alleged ethical violations purportedly encouraged by the Office of Attorney General in providing legal services to Oklahoma Administrative Agencies, including Oklahoma Conservation Commission and Oklahoma Scenic Rivers Commission.
80.	Representatives of Alpharma, Inc. to be determined	One Executive Drive Fort Lee, NJ 07024 201-947-7774	Safety and FDA-approval and reporting of poultry feed additives.
81.	Representatives of Arkansas/Oklahoma Environmental Task Force to be determined	c/o Office of the Governor 2300 North Lincoln Room 212 Oklahoma City, OK 73105 405-521-2342	Facts and circumstances regarding water quality regulations, watershed management and/or other relevant information relating to the subject matter of this lawsuit.
82.	Representatives of Arkansas-Oklahoma Arkansas River Basin Compact Commission to be determined	c/o Oklahoma Water Resources Board 3800 North Classen Blvd. Oklahoma City, OK 73118 405-530-8800	Facts and circumstances regarding water quality regulations, watershed management and/or other relevant information relating to the subject matter of this lawsuit.

	Name	Contact Information	Information
91.	Bev Saunders Two-Saun Farm	c/o D. Kenyon Williams Hall, Estill, Hardwick, Gable, Golden & Nelson 320 South Boston, Suite 400 Tulsa, OK 74103 918-594-0400	Poultry growers' obligations under applicable laws, compliance therewith, farm operations and litter management, and relationship with Peterson.
92.	Rhonda Nelson	P. O. Box 7 Gentry, AR	Poultry growers' obligations under applicable laws, compliance therewith, farm operations and litter management, and relationship with Peterson.
93.	Jimmy Ahrens	11891 S. Pleasant Va Gentry, AR	Poultry growers' obligations under applicable laws, compliance therewith, farm operations and litter management, and relationship with Peterson.
94.	Bill Engleman	24512 Van Fleet Road Siloam Springs, AR	Poultry growers' obligations under applicable laws, compliance therewith, farm operations and litter management, and relationship with Peterson.
95.	Xeng Lor	12079 Robin Road Gentry, AR	Poultry growers' obligations under applicable laws, compliance therewith, farm operations and litter management, and relationship with Peterson.
96.	Representative of <i>Thao Farms</i> to be determined	15601 W. Hwy 12 Gentry, AR	Poultry growers' obligations under applicable laws, compliance therewith, farm operations and litter management, and relationship with Peterson.

	Name	Contact Information	Information
173.	Mary C. Berry	c/o Jack Freeman Graham & Freeman 6226 E. 101 st Street Suite 300 Tulsa, OK 74137 918-298-1716	Facts and circumstances regarding potential polluting activities within the IRW.
174.	Representatives of Eagle Bluff Resort to be determined	c/o Ron Wright Wright, Stout, Fite & Wilburn P. O. Box 707 Muskogee, OK 74402-0707	Facts and circumstances regarding potential polluting activities within the IRW.
175.	Austin L. Bennett	c/o Ron Wright Wright, Stout, Fite & Wilburn P. O. Box 707 Muskogee, OK 74402-0707	Facts and circumstances regarding potential polluting activities within the IRW.
176.	Leslie A. Bennett	c/o Ron Wright Wright, Stout, Fite & Wilburn P. O. Box 707 Muskogee, OK 74402-0707	Facts and circumstances regarding potential polluting activities within the IRW.
177.	Representatives of Barnacle Bills Marina, L.L.C. to be determined	Brian Addington HC 69 Box 797 Park Hill, OK 74451	Facts and circumstances regarding potential polluting activities within the IRW.
178.	Cheryl D. Beaman	16326 Highway 10 Tahlequah, OK 74464	Facts and circumstances regarding potential polluting activities within the IRW.
179.	Philip L. Beaman	16326 Highway 10 Tahlequah, OK 74464	Facts and circumstances regarding potential polluting activities within the IRW.
180.	Wm. G. Newhouse, III Falcon Floats, Inc.	16326 Highway 10 Tahlequah, OK 74464	Facts and circumstances regarding potential polluting activities within the IRW.
181.	Representatives of Cookson Village and Cabins to be determined	c/o Jack Freeman Graham & Freeman 6226 E. 101 st Street Suite 300 Tulsa, OK 74137 918-298-1716	Facts and circumstances regarding potential polluting activities within the IRW.

	Name	Contact Information	Information
191.	Representatives of Snake Creek Marina to be determined	Steven E. McFadden 18576 West Snake Creek Road Cookson, OK 74427	Facts and circumstances regarding potential polluting activities within the IRW.
192.	Representatives of Elk Creek Landing, Inc. to be determined	George Hein Cookson 22911 W. 877 Rd. Park Hill, OK 74451	Facts and circumstances regarding potential polluting activities within the IRW.
193.	Representatives of Flintridge Park L.L.C. to be determined	c/o Jack Freeman Graham & Freeman 6226 E. 101 st Street Suite 300 Tulsa, OK 74137 918-298-1716	Facts and circumstances regarding potential polluting activities within the IRW.
194.	Representatives of Dutchman's Cabins to be determined	c/o Jack Freeman Graham & Freeman 6226 E. 101 st Street Suite 300 Tulsa, OK 74137 918-298-1716	Facts and circumstances regarding potential polluting activities within the IRW.
195.	Bill Stewart	34077 S. 528 Rd. Cookson, OK 74427	Facts and circumstances regarding potential polluting activities within the IRW.
196.	Tom Cotton Chicken Creek Village Store	19441 W. Chicken Creek Rd Cookson, OK 74427	Facts and circumstances regarding potential polluting activities within the IRW.
197.	Representatives of Grande Villa, Inc. to be determined	c/o Jack Freeman Graham & Freeman 6226 E. 101 st Street Suite 300 Tulsa, OK 74137 918-298-1716	Facts and circumstances regarding potential polluting activities within the IRW.
198.	Bishop H. Wadsworth Cookson Log Cabin Motel	20843 W. Cookson Bend Rd. Cookson, OK 74427	Facts and circumstances regarding potential polluting activities within the IRW.
199.	Wilma Wadsworth Cookson Log Cabin Motel	20843 W. Cookson Bend Rd. Cookson, OK 74427	Facts and circumstances regarding potential polluting activities within the IRW.
200.	Representatives of Arrowhead Camp to be determined	c/o Jack Freeman Graham & Freeman 6226 E. 101 st Street Suite 300 Tulsa, OK 74137 918-298-1716	Facts and circumstances regarding potential polluting activities within the IRW.

	Name	Contact Information	Information
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291.	Linda Mathis Canada	c/o Jack Freeman Graham & Freeman 6226 E. 101 st Street Suite 300 Tulsa, OK 74137	Facts and circumstances regarding potential polluting activities within the IRW.
		918-298-1716	
292.	Roger K. Mathis Canada	c/o Jack Freeman Graham & Freeman 6226 E. 101 st Street Suite 300 Tulsa, OK 74137 918-298-1716	Facts and circumstances regarding potential polluting activities within the IRW.
293.	Billie D. Howard	Rt 2 Box 525 Westville, OK 74965	Facts and circumstances regarding potential polluting activities within the IRW.
294.	Richard M. Taylor	2835 N. Shiloh #282 Garland, TX 75044	Facts and circumstances regarding potential polluting activities within the IRW.
295.	Ivan Marion	Rt 2 Box 268A Lincoln, AR 72744	Facts and circumstances regarding potential polluting activities within the IRW.
296.	Daniel L. Parker	29042 S. Ranch Lane Park Hill, OK 74451	Facts and circumstances regarding potential polluting activities within the IRW.
297.	Bartow Hix	c/o Angela D. Cotner 505 Gray Fox Run Edmond, OK 73003	Facts and circumstances regarding potential polluting activities within the IRW.
298.	Rickey Joe Hix	c/o Jack Freeman Graham & Freeman 6226 E. 101 st Street Suite 300 Tulsa, OK 74137 918-298-1716	Facts and circumstances regarding potential polluting activities within the IRW.
299.	Rita Hix	c/o Jack Freeman Graham & Freeman 6226 E. 101 st Street Suite 300 Tulsa, OK 74137 918-298-1716	Facts and circumstances regarding potential polluting activities within the IRW.
300.	Jerry Wayne Hare Crystal Creek Ranch	c/o Jack Freeman Graham & Freeman 6226 E. 101st Street Suite 300 Tulsa, OK 74137 918-298-1716	Facts and circumstances regarding potential polluting activities within the IRW.

	Name	Contact Information	Information
318.	Mary Lansberg River Farms of Tahlequah LLC	3204 Bay Drive Bradenton, FL 34207-5514	Facts and circumstances regarding potential polluting activities within the IRW.
319.	Evelyn Proctor	c/o Jack Freeman Graham & Freeman 6226 E. 101 st Street Suite 300 Tulsa, OK 74137 918-298-1716	Facts and circumstances regarding potential polluting activities within the IRW.
320.	Laura Hamm	RR 3 Box 1460 Stilwell, OK 74960	Facts and circumstances regarding potential polluting activities within the IRW.
321.	Mark Kelly	c/o Jack Freeman Graham & Freeman 6226 E. 101 st Street Suite 300 Tulsa, OK 74137 918-298-1716	Facts and circumstances regarding potential polluting activities within the IRW.
322.	Phillip Dewayne Proctor	c/o Jack Freeman Graham & Freeman 6226 E. 101st Street Suite 300 Tulsa, OK 74137 918-298-1716	Facts and circumstances regarding potential polluting activities within the IRW.
323.	M. Wesley Connor	c/o Jack Freeman Graham & Freeman 6226 E. 101 st Street Suite 300 Tulsa, OK 74137 918-298-1716	Facts and circumstances regarding potential polluting activities within the IRW.
324.	Verlie B. Secratt Verlie B. Secratt Revocable Trust	c/o Jack Freeman Graham & Freeman 6226 E. 101st Street Suite 300 Tulsa, OK 74137 918-298-1716	Facts and circumstances regarding potential polluting activities within the IRW.
325.	Susan Morrison	RR 1 Box 278 Colcord, OK 74338	Facts and circumstances regarding potential polluting activities within the IRW.
326.	Kenneth E. Davis	5206 S. Harvard, Unit 231 Tulsa, OK 74135	Facts and circumstances regarding potential polluting activities within the IRW.

There may also be other individuals or organizations identified in the documents set forth in the following Paragraph 2, and those individuals or organizations may also have discoverable information about the subject litigation.

2. As indicated in the following table, the documents and/or categories of documents listed herein, which support Peterson's claims and/or defenses, constitute either (A) documents and/or categories of documents currently within the possession, custody or control of Peterson or (B) documents and/or categories of documents independently compiled by its counsel:

Document	Location	Description
Correspondence from Janet Wilkerson to Oklahoma Scenic River Commission regarding request for private funding of conservation programs (Sep. 2005)	In Peterson files in Decatur, AR	
Service Technician files for farms under contract with Peterson within the IRW	In Peterson files in Decatur, AR	Confidential and proprietary business information that, to the extent not privileged, will be produced only upon entry of and subject to an acceptable Protective Order.
File of independent poultry growers under contract with Peterson in the IRW	In Peterson files in Decatur, AR	Confidential and proprietary business information that, to the extent not privileged, will be produced only upon entry of and subject to an acceptable Protective Order.
Feed Additive Compendium	In Peterson files in Decatur, AR	
Nutrient Management Plans of independent poultry growers under contract with Peterson in the IRW	To the extent in Peterson's possession, in Peterson's files in Decatur, AR	Confidential and proprietary business information that, to the extent not privileged, will be produced only upon entry of and subject to an acceptable Protective Order.

Document	Location	Description
Documents obtained through Open Records Act Request to Oklahoma State University	Publicly available through Oklahoma State University	
All documents related to Livestock Auction/Markets including but not limited to licenses, applications for licenses, renewal applications, permits, sampling, correspondence, photographs, analysis, inspections and complaints for the Illinois River Watershed	Publicly available through Oklahoma Department of Agriculture, Food and Forestry	
All documents related to feed suppliers and tonnage reports for the Illinois River Watershed	Publicly available through Oklahoma Department of Agriculture, Food and Forestry	
All reports prepared by ODAFF on the Illinois River Watershed including but not limited to all backup data, photographs, the Curtis Report and all supplements to it	Publicly available through Oklahoma Department of Agriculture, Food and Forestry	·
All agreements between ODAFF and other state and federal agencies related to the Illinois River Watershed, water quality or agriculture	Publicly available through Oklahoma Department of Agriculture, Food and Forestry	
All articles, studies or agency reports reviewed or relied upon by ODAFF related to water quality or agriculture	Publicly available through Oklahoma Department of Agriculture, Food and Forestry	
All closed ODAFF complaints in the Illinois River Watershed	Publicly available through Oklahoma Department of Agriculture, Food and Forestry	
All open poultry registration files from ODAFF in the Illinois River Watershed	Publicly available through Oklahoma Department of Agriculture, Food and Forestry	
All closed poultry registration from ODAFF in the Illinois River Watershed	Publicly available through Oklahoma Department of Agriculture, Food and Forestry	

Document	Location	Description
A. Sharpley, T. Daniel, et al., Determining Environmentally Sound Soil Phosphorous Levels, Journal of Soil and Water Conservation (April 1996)	Available through Peterson Counsel	
D. Litke, Review of Phosphorous Control Measures in the United States and Their Effects of Water Quality, USGS (1999)	Available through Peterson Counsel	
B. Pickup, W. Andrews, et al., Phosphorous Concentrations, Loads and Yields in the Illinois River Basin, Arkansas and Oklahoma 1997-2001, OSRC, OWRB USGS, USDA (2003)	Available through Peterson Counsel	
W. Green and B. Haggard, Phosphorous and Nitrogen Concentrations and Loads at Illinois River South of Siloam Springs, Arkansas 1997-1999, Water Resources Investigation Report 01-4217, USGS (2001)	Available through Peterson Counsel	
D. Smith, Phosphorous in Oklahoma's Scenic Rivers: Justification for 0.037mg/L, OWRB (April 2002)	Available through Peterson Counsel	
I. Chaubey, W.R. Green, et al., Phosphorous Sources in an Ozark Catchment USA: Have We Forgotten Phosphorous from Discrete Sources? (2003)	Available through Peterson Counsel	
S. Spicer, Fertilizers, Manure or Biosolids? Researchers Compare the Benefits and Risks of Fertilizers and Soil Amendments, Water Environment & Technology (July 2002)	Available through Peterson Counsel	

Document	Location	Description
Incident Status Summary (ICS-209) for Wildland Fire at Wauhilla Club for February 26, 2006 from National Fire and Aviation Management Web Applications	Available through Peterson Counsel	
Information on Oklahoma State University Manure and Animal Waste Program	http://www.animalwaste.okstate.e du/	
Map of Natural Falls State Park created by Southeast Publications USA, Inc.	Available through Peterson Counsel	
Map of Adair State Park	Available through Peterson Counsel	
Map of Cherokee Landing State Park created by Southeast Publications USA, Inc.	Available through Peterson Counsel	
Map of Tenkiller State Park created by Southeast Publications USA, Inc.	Available through Peterson Counsel	
Echota Bend Project - Oklahoma Water Resources Board and Environmental Protection Agency	Available through Peterson Counsel	
Oklahoma State Parks & Resorts Guide	Available through Peterson Counsel	
Tahlequah Area 2004 Calendar of Events	Available through Peterson Counsel	
Pure Mountain - Innovative Cost- Effective Waste Water Management Solutions	Available through Peterson Counsel	
The Oklahoma Natural Areas Registry – A Special Program for Landowners	Available through Peterson Counsel	
Buffalo National River Country	Available through Peterson Counsel	
Illinois River by Kenneth L. Smith	Available through Peterson Counsel	

Document	Location	Description	
Oklahoma – 2004 Guide to RV Parks, Lakes & Campgrounds	Available through Peterson Counsel		
2004 Oklahoma Travel Guide	Available through Peterson Counsel		
Information on Fin and Feather Resort	http://www.finandfeatherresort.co m/		
Information on Tenkiller Golf Club	http://tenkillergolf.com/		
Information on Burnt Cabin Marina and Resort	http://www.burntcabin.com/		
Information on Sixshooter Marina and Resort	http://www.sixshooterresort.home stead.com/		
Information on Falcon Floats	http://www.illinoisriver.net/		
Information on Pine Cove Marina	http://www.pinecovemarina.net/		
Information on Spencer Ridge Resort	http://www.lindsey.com/temp/spot lights/spencer.asp		
Information on Pine Valley Cabins	http://www.pinevalleycabins.com/		
Information on Snake Creek Marina	http://www.snakecreekmarina.com/		
Information on Arrowhead Resort	http://www.arrowhead-thunderbir d.com/ArrowheadPage.html		
Information on War Eagle Resort	http://www.wareagleresort.com/		
Lake & River - A Special Supplement to the <i>Tahlequah Daily Press</i> , August 2004	Available through Peterson Counsel		
Summer & Fall 2004 - Pow Wow & Tourism Guide	Available through Peterson Counsel		
US Army Corps of Engineers Recreational Information for Tenkiller Ferry Lake	http://www.swt.usace.army.mil/re creat/OPSField.CFM?tblOPSField _LakeName=Tenkiller%20Lake		
Information on Lake Tenkiller Marinas	http://www.tenkiller.net/marinas.h tm		

Document	Location	Description
Maps prepared by ODAFF of Eastern Oklahoma, Adair, Cherokee, Delaware and Sequoyah Counties	Publicly available through Oklahoma Department of Agriculture, Food and Forestry	
U.S. Department of Agriculture National Agricultural Statistics	http://www.nass.usda.gov/Charts and Maps/index.asp	
Conservation Reserve Enhancement Program (CREP) Proposal for Illinois Watershed, State of Arkansas (Jan. 2006)	Available through Peterson Counsel	
Gore Public Works Authority 2004 Annual Drinking Water Quality Report, Sequoyah County Times (Sep. 2005)	Available through Peterson Counsel	
J. Boerngen and H. Shacklette, Chemical Analysis of Soils and Other Superficial Materials of the Coterminous United States, U.S. Department of Interior (1981)	Available through Peterson Counsel	
Joint Agreement of the Governors of the States of Arkansas and Oklahoma, signed by Bill Clinton and David Walters (Feb. 1992)	Available through Peterson Counsel	
Report to the Governor of the State of Oklahoma and the Governor of the State of Arkansas from the Arkansas/Oklahoma Environmental Task Force concerning Recommendations Addressing Shared Environmental Concerns (Dec. 1992)	Available through Peterson Counsel	
Water: Biosolids Management in Oklahoma: Considerations of a Biolsolids Land Application Process, ODEQ	Available through Peterson Counsel	
H. Zang, N. Basta and J. Steigler, Using Biosolids as a Plant Nutrient Source, OSU Cooperative Extension Service CR-2201	Publicly available through OSU Cooperative Extension Service	

Document	Location	Description
EPA Guide to Part 503 Rule, Chapter 2 - Land Application of Biosolids	Publicly available through the US EPA	
Water: Biosolids Management in Oklahoma: What is Land Application of Biosolids?, ODEQ Water Quality Division	Publicly available through Oklahoma Department of Environmental Quality	
Land: Biosolids, ODEQ	Publicly available through Oklahoma Department of Environmental Quality	
J. Lory and P. Scharf, <i>Threshold P Survey</i> , University of Missouri-Columbia	Available through Peterson Counsel	
H. Zang and B. McCray, Oklahoma Agricultural Soil Test Summary 2000-2003, OSU Cooperative Extension Service CR 2253	Available through Peterson Counsel	
General Soil Map of Oklahoma, OSU Oklahoma Agricultural Experiment Station	Available through Peterson Counsel	
USGS Surface Water Quality Data for Arkansas	http://waterdata.usgs.gov/ar/nwis/sw/	
USGS Surface Water Quality Data for Oklahoma	http://waterdata.usgs.gov/ok/nwis/sw/	
USGS Surface Water Quality Data for the Illinois Basin	http://ar.water.usgs.gov/sun/illinois_basin/	
USGS Stream Flow Data	http://waterdata.usgs.gov/ok/nwis/current/?type=flow	
Arkansas Department of Environmental Quality Surface Water Quality Data	http://www.adeq.state.ar.us/techsv s/water_quality/monitors.asp#Disp lay	
EPA Listed Water Information for Tenkiller Ferry Lake (OK121700020020)	Publicly available through US EPA	
EPA Watershed Profile	http://cfpub.epa.gov/surf/huc.cfm? huc_code=11110103	

Document	Location	Description
S. Titco, Memorandum Regarding Use of Chicken Litter/Manure in Commercial Organic Fertilizer, Scott's Company (Oct. 2005)	Available through Peterson Counsel	
H. Zang, Standard Operating Procedures for Collecting and Handling Soil Samples in Oklahoma, OSU (Feb. 2003)	Publicly available through OSU Cooperative Extension Service	
Oklahoma Department of Environmental Quality - Estimated P Loading from Point and Non-point Sources in Lakes Eucha, Grand, Tenkiller and Wister, Non-Point Source Loading to Lake Tenkiller (Partial, Bates COTU019169 & 19178)	Available through Peterson Counsel	
Tulsa Water Quality Report (1998)	Available through Peterson Counsel	
Tulsa's 2000 Water Quality Report (Brochure)	Available through Peterson Counsel	
Draft Final Project Work Plan Oologah Lake, Oklahoma Watershed Study, Army Corps of Engineers (March 2000)	Available through Peterson Counsel	
Consumer Confidence Report 2000, Detected Compounds, City of Tulsa	Available through Peterson Counsel	
Oologah Lake, Oklahoma, Watershed Study, Interim Report of Findings, April-September 2000	Available through Peterson Counsel	
Tulsa's 2002 Water Quality Report	Available through Peterson Counsel	
Addendum to Oologah Lake, Oklahoma Watershed Study Year 2 Interim Report of Findings: October 2000-October 2001	Available through Peterson Counsel	

- 3. Peterson's claims for damages made against the Third Party Defendants in this action are based on and derivative of Plaintiffs' allegations contained in their First Amended Complaint. While Peterson has denied and continues to deny all of the Plaintiffs' allegations and denies that it is responsible for or has contributed to any purported pollution in the Illinois River Watershed, such pollution or adverse impacts, if proven by Plaintiffs, are directly caused or contributed to by the acts and omissions of the Third Party Defendants in discharging sewage, improperly maintaining private and public septic systems, agricultural and commercial fertilizer runoff, and other pollutants or contaminants from Third Party Defendants' operations, businesses, and properties into the Illinois River Watershed. Accordingly, Peterson is entitled to indemnity and/or contribution from Third Party Defendants of any and all categories of damages contained in Plaintiffs' computation of damages.
- 4. Peterson has placed the following insurers on notice of this lawsuit; however, to date, Peterson has not received any response as to any insurer's acceptance of coverage for the allegations made against it by Plaintiffs. To the extent that these policies are in custody of either Peterson or its undersigned counsel, they were numbered consecutively (Bates Numbers PF IRW 000001 through PF IRW 001446) and provided to Plaintiffs' counsel of record under separate cover on December 30, 2005.

Insurance Company	Relevant Period		Policy
United States Fidelity and Guaranty Company	4/6/1982	4/6/1983	R1CC 012514755
United States Fidelity and Guaranty Company	4/6/1983	4/6/1984	R1CC 025121900
United States Fidelity and Guaranty Company	4/6/1984	4/6/1985	R1CC034341285
United States Fidelity and Guaranty Company	4/6/1984	4/6/1985	523 329885 9

^{*}Indicates excess/umbrella coverage

Respectfully submitted,

By /s/ A. Scott McDaniel

A. Scott McDaniel (Okla. Bar No. 16460) smcdaniel@jpm-law.com

Nicole M. Longwell (Okla. Bar No. 18771) Philip D. Hixon (Okla. Bar No. 19121) JOYCE, PAUL & McDANIEL, PLLC 1717 South Boulder Ave., Suite 200

Tulsa, Oklahoma 74119 (918) 599-0700

COUNSEL FOR DEFENDANT PETERSON FARMS, INC.

CERTIFICATE OF SERVICE

I certify that on the day of June, 2006, I electronically transmitted the attached document to ECF registrants:

W. A. Drew Edmondson, Attorney General Kelly Hunter Burch, Assistant Attorney General J. Trevor Hammons, Assistant Attorney General drew edmondson@oag.state.ok.us kelly burch@oag.state.ok.us trevor_hammons@oag.state.ok.us

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